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131 Macquarie Street
Hobart TAS 7000

tel: (03) 6223 2770
fax: (03) 6223 2074
email: edotas@edo.org.au

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Tasmanian Coastal Policy Statement
Department of Premier and Cabinet
PO Box 123
Hobart TAS 7000

By email: coastalframework@dpac.tas.gov.au

Dear Madam / Sir

Draft State Coastal Policy Statement

EDO Tasmania is a non-profit, community based legal service specialising in environmental and planning law. We have been actively advocating for improved management of Tasmania's coastal values for many years and we welcome the opportunity to comment on the draft State Coastal Policy Statement (the **draft Statement**).

Tasmania's coasts are exposed to increasing pressures, including development pressure, coastal hazards exacerbated by climate change and general loss of ecosystem integrity. The current *State Coastal Policy 1996* has remained in force for nearly 17 years. It is critical that the draft Statement provide clear guidance that will allow for best practice management of our coastal resources over a similar timeframe.

At the outset, we would like to acknowledge the government's recognition of the breadth of issues affected by coastal management, and establishment of a cross-department committee to develop a coastal management framework to address these. The draft Statement is a positive move towards this, however we remain concerned that the current draft fails to provide adequate direction to achieve sustainable outcomes.

In general, EDO Tasmania supports the intent of the draft Statement. Our submission makes a number of general comments regarding the guiding principles and priorities in the draft Statement, and more specific comments in relation to the policy directions, aimed at improving its effectiveness. As outlined throughout the submission, we would also welcome an opportunity to comment on any more detailed implementation plan.

SUMMARY OF COMMENTS

- While the draft Statement is not intended to be enforceable in its own right, it is critical that the document is sufficiently unambiguous to guide decision making, including the design of laws and policies to give effect to its vision.
- The draft Statement should provide guidance in relation to the priority to be given to particular values in the (inevitable) event of a conflict. A hierarchy of principles similar to the *Victorian Coastal Strategy* should be adopted, recognising the priority to be given to conservation of natural values.

- References throughout the draft Statement to climate change and coastal hazards should be strengthened.
- The draft Statement should explicitly adopt the “Avoid, Minimise, Mitigate” hierarchy in relation to impacts on coastal values and development in areas subject to coastal hazards.
- The draft Statement should explicitly refer to the interaction of catchments and coastal areas with adjoining marine areas. The Statement should guide collaboration between local and State government agencies on this issue.
- EDO Tasmania strongly supports adoption of the precautionary principle, but believe that the onus should be on proponents to demonstrate that proposals in the coastal zone will not pose a serious threat to (or be subject to a serious threat from) coastal values and coastal processes.
- The Coastal Protection and Planning Framework, including the high-level Policy Statement, must have statutory force.
- EDO Tasmania strongly supports the prohibition of canal estate development.
- We broadly support an indicative definition of “coastal area”, supported by detailed mapping and a mechanism for individual properties to be assessed for inclusion / exclusion. An interim boundary, set by a standard landward distance, should be retained while mapping is completed.
- The Roles and Responsibilities should make clear that the State government has primary responsibility for providing clear guidance and support to local governments, adequately resourcing information gathering and mapping exercises, and monitoring the implementation of the Framework.
- Further consultation should occur in relation to the Implementation Plan for the Coastal Protection and Planning Framework.

General comments

Hierarchy of values

The current vision aims to ensure the sustainable use and development of Tasmania's coast in order to achieve economic and social benefits, while conserving natural and cultural values. While this vision recognises the need to maintain coastal areas for future generations, the emphasis appears to be on economic and social values rather than underlying environmental values. Given that the maintenance of healthy, diverse and resilient coastal areas effectively underpins economic and social benefits (as recognised in Goal 2), we recommend that the vision be redrafted to prioritise protection of the environment.

Similarly, the draft Statement explicitly states that there is “no hierarchy implied by the goals and policy directions”. The goals and policies refer at numerous points to “balancing” economic, social and natural values. This approach ignores, or at least underplays, the reality that there will inevitably be conflict between these values and explicit direction is required to guide how these conflicts are to be resolved.

We recommend adopting a hierarchy of principles similar to the *Victorian Coastal Strategy 2008*¹, extracted in **Attachment 1**.

¹ Victorian Government. 2008. Victorian Coastal Strategy – Hierarchy of Principles. Available at <http://www.vcc.vic.gov.au/resources/VCS2008/hierarchy.htm>

Implementation

Without effective, enforceable implementation mechanisms, the draft Statement will fail to produce any tangible benefits for coastal management in Tasmania. The draft Statement makes it clear that it is only the first stage in the development of a Coastal Protection and Planning Framework, and that work in relation to implementation will be carried out in "Phase 2".

Details in relation to implementation are critical to understanding the likely success of the strategic directions outlined in the draft Statement. It is not clear whether any further opportunities for public input are intended to be given during Phase 2. In our view, it is critical that consultation occur in relation to proposed mechanisms to implement the vision and directions outlined in the draft Statement.

This submission makes a number of suggestions in relation to implementation, however we would also welcome an opportunity to comment on a detailed draft Implementation Plan.

Clear and unambiguous language

One of the criticisms levelled at the current *State Coastal Policy 1996* is the lack of clear guidance provided to local government, business and the community regarding coastal development. In the absence of clear, Statewide direction, it has been left to local governments to identify priorities and criteria for assessing development and to develop responses to coastal hazards and the implications of climate change. These decisions have been hotly contested and, in many instances, it has been left for developers and concerned third parties to resolve disputes over "appropriate" coastal management approaches through litigation.²

Lack of clear guidance results in inconsistencies and uncertainty for investors, a situation the State government has indicated it is aiming to avoid. Experience demonstrates that lack of guidance can also result in considerable resources being spent on ad hoc information gathering and legal action.

The Roles and Responsibilities section provides that the Tasmanian government will develop policy settings that "*provide clear guidance for planning and management of the coast.*" While we appreciate that the draft Statement is only intended to provide context and "direction" for the development of more specific strategies, the draft Statement may be the only State-wide articulation regarding the value of our coasts and how they should be managed to preserve those values.

To avoid the difficulties experienced in the implementation of the current Policy, the Statement must be unambiguous and specific enough to guide decision making in its own right. Unless the Statement itself provides clarity regarding how competing demands on coastal resources are to be resolved, ad hoc and inconsistent decisions (including development of laws and policies) will continue to undermine the achievement of the Statement's objectives.

Generally, the language in the draft Statement needs to be strengthened to avoid terms such as *should, where possible, and where feasible*. Vague terms will compromise consistent interpretation and application of the draft Statement, and the development of effective laws and policies to implement the Statement.

²² See Macintosh A, Foerster A and McDonald J, *Spatial Planning Instruments for Climate Change Adaptation* (National Climate Change Adaptation Research Facility, 2012), available at <http://www.nccarf.edu.au/publications/project-summary-limp-leap-learn>. The results of the interviews conducted for the purposes of that study are consistent with EDO Tasmania's experience in this area.

Climate change responses

EDO Tasmania considers that the draft Statement fails to adequately emphasise the significance of climate change on planning and management decisions in the coastal area. The draft Statement makes numerous references to climate change, but the emphasis is again on achieving a “balance” between various interests by adopting a risk management approach. In the absence of clearer statements regarding the inevitability and scale of climate change impacts, there is a risk that environmental capacity (in the face of a changing climate) and the need to maintain or improve the resilience of coastal ecosystems will not be adequately factored into decision making. Without a clear articulation of the need to plan for, and adapt to, the coastal impacts of climate change, short term economic development may be given improper priority.

As discussed above, we consider that a more explicit hierarchy should be applied in the “balancing” exercises envisaged by the draft Statement. We would support the inclusion of a similar coastal hazard risk management and adaptation planning hierarchy to that recently adopted in the *Western Australian State Coastal Planning Policy*:³

Where risk assessments identify a level of risk that is unacceptable to the affected community or proposed development, adaptation measures need to be prepared to reduce those risks down to acceptable or tolerable levels. Adaptation measures should be sought from the following coastal hazard risk management and adaptation planning hierarchy on a sequential and preferential basis:

- (1) **Avoid** the presence of new development within an area identified to be affected by coastal hazards. Determination of the likely consequences of coastal hazards should be done in consideration of local conditions and in accordance with the guidelines provided in Schedule One.*
- (2) **Planned or Managed Retreat** or the relocation or removal of assets within an area identified as likely to be subject to intolerable risk of damage from coastal hazards over the planning time frame.*
- (3) If sufficient justification can be provided for not avoiding development of land that is at risk from coastal hazards then **Accommodation** adaptation measures should be provided that suitably address the identified risks. Such measures would involve design and/or management strategies that render the risks from the identified coastal hazards acceptable.*
- (4) Where sufficient justification can be provided for not avoiding the use or development of land that is at risk from coastal hazards and accommodation measures alone cannot adequately address the risks from coastal hazards, then coastal **Protection** works may be proposed for areas where there is a need to preserve the foreshore reserve, public access and public safety, property and infrastructure that is not expendable.*

Where new information or methods become available that significantly modify the understanding of the coastal hazards then all areas within the newly defined risk areas should be reviewed again through the coastal hazard risk management and adaptation planning hierarchy above, as part of the ongoing monitoring and review process.

Interaction with marine planning and management

The draft Statement is expected to apply to State waters, but will not override the existing regulatory regime in respect of marine resources. While acknowledgement of the interaction between catchments, coasts and marine areas is welcomed, the focus appears to be on marine industries (such as fishing and aquaculture) rather than on marine environments more

³ Government of Western Australia. 2013. State Planning Policy No. 2.6 *State Coastal Planning Policy*, adopted 30 July 2013. Available at http://www.planning.wa.gov.au/dop_pub_pdf/SPP2.6_Policy.pdf

broadly. It is important that the Statement also recognises the value (economic and otherwise) of recreational and conservation uses of marine areas.

One of the most significant threats to the marine environment is runoff from activities within catchments, and overuse of marine resources. The draft Statement is an opportunity to achieve better collaboration between relevant agencies / regulatory frameworks in relation to planning and management of the catchment – coast – marine continuum. The broad goal of “Collaborative planning and management” potentially captures this, and the forthcoming implementation plan may provide a workable model for marine resource planning. However, we recommend that the draft Statement clearly acknowledge coordinated coastal-marine planning in the Roles and Responsibilities for both State and local government.

Guiding principles

1. **Balanced, evidence and risk-based decision making, including application of the precautionary principle**

As outlined above, we support the principle of balanced, evidence and risk-based decision making, provided there is some guidance regarding prioritisation in the event of competing interests. It will also be critical to ensure that adequate resources are available to develop the information base on which such decisions will need to be made.

We acknowledge the significant work that has already occurred in relation to sea level rise mapping and developing risk management strategies in relation to coastal hazards. This will form an invaluable part of the implementation plan, and of gathering information to support other aspects of the implementation plan. It is imperative that this work be underpinned by a regulatory framework (such as a planning directive) to ensure that the information is adopted and applied consistently throughout Tasmania.

We also support adopting a precautionary approach to decision making, given the highly dynamic nature of the coastal environment. However, a definition of the precautionary principle should be adopted which provides for action to be taken to minimise future risks, despite uncertainty, and which places the onus on proponents (whether developers or government agencies) to demonstrate that a proposal will either not pose a serious threat, or that such a threat can be managed.⁴ Precaution must also be exercised in relation to a development that may not itself “pose” a threat, but may be increasingly subject to threat from coastal hazards resulting from climate changes. In such circumstances, the burden must again be on the proponent to demonstrate that the likely risks can be avoided or appropriately managed.

2. **Minimal regulation**

One of the guiding principles in the draft Statement states that regulation will be limited to “that which is necessary”. We consider the following minimum standards to be “necessary” in order for the Coastal Protection and Planning Framework to effectively and efficiently achieve the objectives of the draft Statement:

- Statutory force – without legislative backing, the Framework cannot provide any certainty regarding outcomes and will not provide the consistent approach that effective coastal management demands.
- A central authority to provide information, advice and guidance in relation to the implementation of the Framework. This could be a separately constituted organisation, or a dedicated unit within an existing government agency.

⁴ This approach is adopted in clause 5.11 of the *Western Australian State Coastal Planning Policy* (see n2).

- Rights of public participation in relation to coastal planning.
- Clear offence provisions in relation to unauthorised coastal works, and a range of enforcement tools.
- A degree of flexibility to allow the regulatory framework to adapt to new information or changing coastal conditions.

As a member of the Tasmanian Coastal Alliance, EDO Tasmania has advocated for adoption of specific coastal management legislation. In our view, this would streamline coastal management by consolidating relevant legislative requirements to remove conflicting and confusing approaches. It would also establish a specific government agency with responsibility for implementation and advice to improve consistency.

Some specific comments in relation to implementation of the draft guiding principles and policy directions are set out in our submission. We would welcome the opportunity to provide additional comments on any draft Implementation Plan.

3. Equity of access and opportunity

We strongly support equitable access to the coast, and the protection and continuation of Tasmanian Aboriginal traditions.

We recommend that this guiding principle make it clear that access for recreational and economic opportunities (such as off-road vehicle use in sensitive areas) will be subject to an assessment of environmental capacity (consistent with statement in Goal 4).

4. Collaborative planning and management

We support this principle but note that, while implementation should be shared between all spheres of government and the community, the State government must be primarily responsible for setting clear direction for planning and management.

Goals and policy directions

Specific comments in relation to the draft goals and policy directions are outlined in the table below.

Clause	Comment
Goal 1:	<i>Consistent with our comment in relation to the overall vision, we recommend that this goal be reframed to provide for sustainable development of the coast and to facilitate only those economic and social activities which will not compromise environmental values. We strongly support efforts to assess environmental capacity and undertake strategic planning to direct development to appropriate locations.</i>
1.1	<p>As outlined above, we recommend that an overarching hierarchy be adopted to guide the exercise of discretion under the policy directions. An “avoid-minimise-mitigate” hierarchy should also be adopted. Without such a hierarchy, this policy direction does not give preference to avoidance and could be interpreted to allow use and development in all circumstances, provided the impacts will be mitigated. Further guidance is also required on the extent of mitigation expected.</p> <p>As drafted, this policy direction is potentially inconsistent with policy direction 2.1, which aims to “ensure the sustainability of major ecosystems”. We support that statement, and suggest that including a hierarchy will allow for the two policy directions to sit more comfortably together.</p>

Clause	Comment
	<p>"Areas of high natural significance" needs to be better defined, and should include threatened vegetation communities, sea level rise refugia and areas subject to coastal hazards. This would ensure that areas that warrant protection on that basis are subject to stringent guidance in relation to their development capacity.</p>
1.3	<p>Avoidance of ribbon development and encouragement of infill development will be significant features of an effective coastal framework. This policy direction should be stronger, require strategic planning at the regional and local level to maximise containment of existing settlements through the encouragement of infill development and avoidance of linear development.</p> <p>Rather than regional plans identifying "preferred" locations for growth, spatial growth management analysis tools should be used to clearly identify areas that are appropriate for growth and areas that are not. Development outside identified growth boundaries must not be considered unless a very clear case can be made for departure from that position.</p>
1.4	<p>We support the need for setbacks to be clearly articulated in planning instruments, and for appropriate setbacks to be determined at a local scale based on comprehensive data and risk management approaches. However, as currently drafted, this policy direction only refers to setbacks in the context of public amenity. The policy direction should be reframed to make it clear that setbacks are also important to provide for retreating shorelines, minimise disturbance of coastal habitats and vegetation and minimise direct access points along foreshores.</p>
1.5	<p>We strongly support the prohibition on canal estates.</p>
1.6	<p>Rather than seeking to facilitate tourism development, this policy direction should provide that opportunities for tourism development in areas with environmental capacity (which must include consideration of climate change impacts <u>of</u> the proposal, and <u>on</u> the proposal) will be identified through strategic and regional planning and supported where adverse impacts are appropriately avoided or mitigated.</p>
1.7 – 1.11	<p>In relation to each of the policy directions regarding industrial and commercial development:</p> <ul style="list-style-type: none"> ■ "should" should be replaced with "must" ■ Each development type must be required to "avoid or minimise" risks. ■ In respect of industrial developments, rather than "priority" being given to coastal dependent activities, the principle should provide that development that is not coastal-dependent must not be approved unless it can be demonstrated that the proposal will avoid or minimise risks to environmental and aesthetic values. ■ In respect of farming, the policy direction encourages "sustainable farming practices", but doesn't provide restrictions or guidance on the appropriate location of agricultural uses. To be consistent with other policy directions, it should read "Agricultural uses within the coastal zone will be planned and managed to avoid and minimise risks to the environmental and aesthetic values of the coast, including water quality." This could be implemented through planning to identify appropriate locations, and policies to encourage sustainable farming practices. ■ In respect of renewable energy projects, the qualification "where possible" should be removed.

Clause	Comment
1.13	<p>Consistent with the existing State Coastal Policy, the policy direction should clearly articulate that coast-hugging roads will be avoided unless no alternative exists.</p> <p>There is also no justification for prioritising protection of visual amenity and retreat pathways only when planning for coastal roads – this policy direction should apply more broadly to planning for all use and development in the coastal zone (see Goal 2).</p>
1.15	<p>The fact that approval of jetties (including extensions), boat ramps private moorings and slips remain largely exempt from planning assessment by local government (instead being approved by MAST) has compromised strategic planning of these facilities. This policy direction should provide clear guidance to MAST, port authorities and local governments regarding:</p> <ul style="list-style-type: none"> ■ Consolidation of existing facilities; ■ Appropriate and inappropriate locations for new facilities; ■ Discouraging private moorings where it is feasible to use an existing public facility in the region; ■ The need to review existing facilities to determine if they should be relocated (in light of coastal hazards); and ■ The need to protect cultural, natural and aesthetic values in planning and development port / marina facilities.
<p>Goal 2: <i>We strongly support the acknowledgement in this goal that protection of natural values supports economic sustainability and coastal communities. As outlined earlier in this submission, we would like to see this better reflected in the overall vision and guiding principles of the draft Statement, and in Goal 1.</i></p> <p><i>We also recommend the language regarding climate change / coastal hazards be strengthened to emphasise the severity of impacts and planning time frames for risk assessment.</i></p> <p><i>The policy directions should clearly reflect the need for active management to improve the current situation, rather than simply maintain it. For example, emphasising the need for ecosystem resilience would support efforts to revegetate or rehabilitate degraded coastal areas.</i></p> <p><i>As outlined above, more explicit policy directions should be included in relation to the catchment – coast – marine continuum.</i></p>	
2.1	<p>This is a strong statement of intent, but without a clear hierarchy will not have precedence over policy directions which give greater emphasis to economic development (such as 1.1).</p> <p>More detail is required regarding how this policy direction will be achieved. Financial, technical and legislative support will be required to ensure that an adequate information baseline exists to identify values and measure the extent to which those values are being maintained or enhanced.</p>
2.3	<p>While the intent of this policy direction is commendable, the direction itself is very unclear – no details are provided in relation to the difference between a risk based approach and a threat assessment process, the level of threat / risk that warrants intervention or whether the application of such an approach is limited to “coastal conservation” planning (e.g. identifying reserve areas) or would extend to development assessment.</p>

Clause	Comment
	In relation to implementation, this policy direction may be advanced by legislative measures to provide indemnities to local governments who take preventative action on the basis of available evidence, similar to s.733, <i>Local Government Act 1993 (NSW)</i>
2.4	This policy direction should be amended to: "Coastal water quality will be managed to maintain or improve natural values and marine ecosystems". There is no reason to specifically refer to particular uses such as fishing etc.
	<p>Goal 3: <i>As outlined above, the language of this goal understates the significance of coastal hazards, thereby skewing the "balancing" act proposed by the policy directions. While existing activities may continue, and new development may occur in the coastal zone, it is critical that this only occur following due consideration of the inevitable, serious impacts of climate change. This Goal should be re-drafted to significantly strengthen the references to climate change risks and coastal processes.</i></p> <p><i>We support the recognition of the need to plan for natural retreat of coastal ecosystems, and urge the government to ensure that any implementation mechanisms are sufficiently flexible to accommodate the changing coastal area.</i></p>
3.1	This policy direction should replace "should" with "must". Furthermore, it is not sufficient to require development to "take into account" risks to minimise the need for works – the policy direction should be to avoid any new development in areas identified as being at significant risk from coastal processes. The hierarchy used in the <i>WA State Coastal Planning Policy</i> (referred to at p4 of this submission) is a good model for this approach.
3.2	<p>This policy direction should replace "should" with "will". Management plans should be implemented in all cases – the content of those plans will depend to some extent on what is "feasible", but the policy direction should require some form of management for all identified settlements.</p> <p>Planned retreat policies will be complex and contested, requiring considerable community consultation and potential litigation in relation to loss of private land. Statutory provisions to support management planning may be required to provide local governments with sufficient authority to take necessary measures.</p>
3.3	<p>This policy direction should provide a clearer statement regarding coastal protection works generally, rather than only addressing works required by management plans. Consistent with clause 5.7 of the <i>WA State Coastal Planning Policy</i>, the policy direction should provide:</p> <p style="padding-left: 40px;">New coastal protection works are not permitted, except where all other options for avoiding and adapting to coastal hazards have been fully explored, as part of a comprehensive coastal hazard risk management process, and where the works are carried out in accordance with an approved management plan.</p>
3.4	As above, we support planning which reflects coastal hazards, and the exacerbating effects of climate change on coastal processes. However, more detail is required in order to provide clear guidance to local councils in relation to what is an "acceptable" social and economic impact in the context of inevitable changes to coastal environments. Consideration may need to be given to indemnity provisions which protect local councils that make a call regarding what is "acceptable" in their municipality, and take action in good faith to manage impacts to that level.

Clause	Comment
	<p>Goal 4: <i>We support the recognition of public rights in relation to coastal areas, and the value that most Tasmanians place on having access to the coast. We support the aim of maintaining public access, provided this is subject to environmental capacity (having regard to the sensitivity of habitat for nesting birds and areas of cultural heritage significance).</i></p> <p><i>As acknowledged, the interaction of public and private property and the impacts of coastal processes and coastal hazards associated with climate change will present particular challenges – again guidance is required in relation to the “balanced approach” that will be taken by government to address this.</i></p>
4.1 - 4.4	<p>These policy directions should make clear that access points will be minimised, and directed to suitable locations. The directions should also recognise that some existing access points or public facilities may be at risk from coastal hazards and should be relocated (rather than enhanced).</p>

Definitions of the Coast

EDO Tasmania supports the adoption of a flexible definition that is sufficiently broad to capture relevant coastal features and areas affecting, or affected by, coastal processes. Localised mapping should be produced to identify the extent of land captured by this definition – it will be essential for the State government to provide sufficient resources to facilitate this.

It is also important that the criteria included in the definition be sufficiently clear to allow the boundaries of the “coastal area” to change with changing conditions (such as receding shorelines). It must be open for any person to demonstrate that land is (or, in some cases, is not) within the mapped area as a result of changes to the landscape resulting from climate change.

We recommend retaining an interim landward distance (such as 1km under the current State Coastal Policy) while mapping is being prepared, provided there is capacity for any person to argue that land outside that arbitrary distance be subject to the draft Statement where it meets the indicative definition. A local government that can demonstrate that it has finalised detailed mapping of the coastal area can implement the Framework requirements in respect of its mapped area, rather than the standard landward distance.

We broadly support the use of a typology to assist in the management of coastal areas, however we urge full consultation prior to classifying areas within the proposed types. For example, while we support directing future development to areas identified as “Developed Coast”, it will still be necessary to conduct a spatial growth / capacity analysis to determine:

- Whether the existing settlement is maladapted and should, in fact, be relocated or contained, rather than expanded
- Whether there is capacity for any expansion of the developed area
- If there is capacity, the extent of that capacity.

The Victorian Coastal Spaces Initiative provides a good model for this type of assessment.⁵

It will also be important to clarify whether the classifications are intended to apply at a property-by-property level, or for broader scale mapping only. For example, within a developed or modified coastline, there may be pockets of land that are natural and should be subject to higher levels of protection. The mapping must either be at a small enough scale to allow for this, or recognise that the broad scale is indicative only and classification for any particular parcel

⁵ See Department of Sustainability and Environment. Coastal Spaces Initiative. <http://www.dse.vic.gov.au/coasts-and-marine/coasts/publications/coastal-spaces-initiative-home-page>

may be changed on the basis of evidence that it would be more appropriately categorised in another class.

We welcome future opportunities to discuss coastal mapping in more detail during Phase 2.

Roles and Responsibilities

The articulation of roles and emphasis on collaboration in the draft Statement is commendable. We recommend that the role of the Tasmanian government be amended as follows:

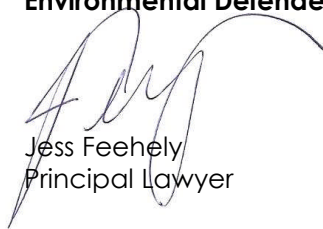
- The provision of guidance to local councils regarding the policy goals should not be limited to participation in the regional planning process.
- There should be an explicit role for monitoring implementation / achievement of the Statement goals.
- Collaboration should extend to policies and programs relating to the coast “and adjoining marine areas”.
- Include a role for developing and maintaining policy and regulatory settings to support local government efforts to establish retreat pathways, including through restrictive zoning, property acquisition and other legal options.
- Include a role of providing support (financial and technical) for local councils to undertake the planning and management tasks envisaged by the draft Statement (e.g “developing municipal plans for coastal processes and coastal hazards and disasters”).

The role of developers should note that development and management should be consistent with relevant planning requirements and zoning, and “the vision, goals and policy directions of this Statement.”

Thank you for the opportunity to make these comments. If you would like to discuss anything in the submission in more detail, please do not hesitate to contact Jess Feehely on 03 6223 2770.

Kind regards,

Environmental Defenders Office (Tas) Inc



Jess Feehely
Principal Lawyer

ATTACHMENT 1: Victorian Coastal Strategy 2008

Hierarchy of Principles

First, the principles establish the need to protect significant environmental and cultural values, based upon a sound understanding of the coastal features, vulnerabilities and risks.

Second, they reflect on the importance of having integrated coastal policies, plans and strategies that respond to the major issues affecting the coast. The principles stipulate that coastal resources are to be used in ways that are sustainable, and that resources are not to be harmed by exploitation or depletion below renewable levels.

When and where these principles are met, development along the coast and in the adjacent estuarine and marine waters and hinterland may be considered.

Decision-making should be consistent with the hierarchy of principles, which are:

1. Provide for the protection of significant environmental and cultural values.
2. Undertake integrated planning and provide clear direction for the future.
3. Ensure the sustainable use of natural coastal resources.

When the above principles have been considered and addressed:

4. Ensure development on the coast is located within existing modified and resilient environments where the demand for development is evident and the impact can be managed.

Hierarchy of principles for coastal, estuarine and marine planning and management

1. Provide for the protection of significant environmental and cultural values.

This principle is about identifying then protecting, conserving, improving and restoring biological, ecological, physical and cultural integrity and diversity. This principle seeks to:

- protect, improve and restore coastal, estuarine and marine features of scientific (i.e. biological, ecological, geological and geomorphological) significance
- identify and protect threatened species and their habitats
- avoid interfering with the natural processes that shape the coast
- retain largely inaccessible parts of the coast to preserve their significant biodiversity and ecological integrity
- conserve sites and landscapes of cultural, scientific, and historical significance
- identify, protect and manage Aboriginal cultural heritage in partnership with Aboriginal communities.

2. Undertake integrated planning and provide direction for the future.

This principle is about providing clear direction and resources for the protection, management, development and use of the coastal, estuarine and marine environment in a way that is environmentally sustainable.

This principle seeks to:

- ensure integrated coastal zone planning and management (ICZM) take into account the environmental, social and economic implications of decisions
- ensure that the value of coastal resources are identified and the impacts of any proposed use or development on those values are understood and considered before decisions are made
- provide clear policy in relation to coastal, estuarine and marine planning and management that can be effectively implemented at the regional and local level through Coastal Action Plans, management plans, regional catchment strategies, planning schemes and governance arrangements allowing community input and scrutiny
- ensure policies and plans are consistent with the Victorian Coastal Strategy and other state and regional policies such as Coastal spaces (2006), Great Ocean Road strategy (2003), Coastal Action Plans and management plans
- understand and plan for the environmental, social and economic impacts and risks associated with climate change, coastal erosion, coastal inundation and degradation of estuaries and catchment impacts
- ensure the best available science, adequate resources and guidance regarding climate change impacts and adaptation options is available to coastal planners and managers so that they can make informed decisions
- investigate adaptation options such as protect, accommodate and retreat
- require a long-term view when making decisions about coastal and marine environments which are perennial 'public good' assets
- consider cumulative implications of all decisions and impacts
- apply the precautionary principle to decision-making, particularly if threats of serious or irreversible environmental damage exist or are unknown

3. Ensure the sustainable use of natural coastal resources.

This principle is about using the coastal, estuarine and marine environment in an ecologically sustainable way. Sustainable use of a natural resource means being able to use the resource in a way and at a rate that does not lead to damaging the environment or depleting the resource, thereby maintaining the resources potential to meet the needs and aspirations of present and future generations.

This principle seeks to:

- ensure an integrated analysis of economic, social, environmental and cultural heritage implications of decisions
- manage community use of foreshore land, buildings and other assets to return the greatest public benefit while protecting environmental and social values
- maintain access to coastal Crown land except when there is the need to protect high value resources, or for security or safety reasons
- manage Victoria's fisheries to ensure current and future fish stocks
- promote an ecologically sustainable and viable aquaculture industry
- ensure nature-based tourism and recreation opportunities are sustainable and sensitive to the natural environment and the unique coastal character and offer a high level of experiential learning.

4. Ensure development on the coast is located within existing modified and resilient environments where the demand for development is evident and the impact can be managed.

When the preceding principles have been considered and addressed, this principle aims to ensure that:

- urban development on the coast is directed to appropriate areas within existing settlements and activity centres
- development on coastal Crown land is coastal-dependent or closely related to coastal-dependent uses and is directed to activity nodes and recreation nodes
- impacts associated with the current or proposed use of coastal land are identified, addressed and managed.

This principle also aims to ensure that development on and adjacent to the coast is of high quality, is well-designed and sensitively sited.

Appropriate development is development that:

- is consistent with relevant coastal policies and plans
- responds to existing or preferred coastal character
- reverses or addresses coastal degradation and demonstrates net community benefit, taking into consideration long term environmental, social and economic impacts

This principle recognises that coastal Crown land is a limited resource and must be used sparingly and wisely.

This principle seeks to:

- direct development away from sensitive coastal areas and significant landscapes and manage it within existing settlements and within activity centres and recreation nodes
- ensure that development on and adjacent to the coast is appropriately designed, and sited
- enhance the community use, enjoyment and experience of the special coastal values
- preserve non-urban areas between settlements and their significant values
- ensure that development on coastal Crown land is functionally dependent upon a coastal location
- preserve coastal Crown land as a primarily natural asset
- encourage fewer better-used developments on coastal Crown land, through co-location and resource sharing
- ensure appropriate development of service infrastructure to enhance the economic and social wellbeing of the community.